

Alaska/EPA Water Quality Standards Projects

Quarterly Status Report –March, 2014

1. Adoption of Antidegradation Implementation Methods (Division and CO priority)

Management Lead: Michelle/Andrew

Staff Lead: Brock/Earl

Activity:

- DEC extended the comment period by 30-days to conclude on April 16th, 2014.
- DEC is working with DOL to address concerns with ONRW process and potential legislative issues.

Challenges:

- Addressing ONRW interpretation-reg or guidance?
- Reconciling comments and completing edits in a timely manner.

Actions to take place in the coming quarter:

- Accept comments till April 16th; Reconcile comments and draft responsiveness summary for CO.
- Revise Regulations
 - Potential development of ONRW guidance

Decision required: DEC determination of how to address ONRW designation issues

2. Resolve Issues Delaying EPA Approval of Mixing Zone Guidance by EPA (Division and CO priority):

Management Lead: Sharon

Staff Lead: Brock

Activity:

Mitigation Guidance (MG):

- Edited draft is currently with Director's Office

Concurrent Flow:

- Edited draft is currently with Director's Office

ESA Consultation

- EPA task to be completed

Challenges:

1. Mitigation

- a. Agreement on language and purpose of MG document

2. Concurrent Flow

- a. Agreement on language and purpose of document
- 3. ESA Consultation**
 - a. Staff time

Actions to take place in the coming quarter

- Submit Mitigation Guidance to EPA for review and comment (early April)
- Submit Concurrent Flow “guidelines” to EPA for review and comment (April)
- EPA review and comment on both documents (May)
- Submission of Mitigation Guidance to EPA for final Approval/Disapproval
- Submission of Concurrent Flow “guidelines” for use in MZ regulations.

Decision required?

- Awaiting final approval to submit revised Mitigation Guidance and Concurrent Flow guidelines to EPA
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3. Monitor and Assist EPA Review of Residues Criteria (Division and CO priority)

Lead: Sharon

Staff: Brock

Activity:

- DEC met with EPA on 12/11 to discuss EPA staffing assignment for the residues review. EPA indicated they still do not have sufficient staff available to start the review of this 2011 WQS submittal.

Challenges:

- Time and attention from EPA

Actions to take place in the coming quarter

- Wait for EPA will assign staff to this review

Decision required? None at this time

4. Evaluate options for revisions to Human Health Criteria (HHC): (Division and CO priority)

Lead: Sharon

Staff: Brock

Activity:

- DEC issued a SoW for Lit Review via Term Contract process. Notice issued on 3/7.
- DEC is in the process of “finalizing” a draft strategy-

Challenges:

- Implementation issues must be considered from the start.
- “Proceeding carefully”- not jumping on a particular approach until different options have been vetted.
- Ensuring Commissioner’s Office concerns are adequately addressed at each stage of the process
- Thinking about Environmental Justice, Legality of implementation strategies, and how site specific information can be incorporated

Actions to take place in the coming quarter

- Complete Lit. Review of FCR information specific to AK
- Consider whether holding a HHC Technical Workshop based on the Antideg template- will occur. Consider potential dates (Late Oct-Early Nov 2014)
- Continue to monitor other state efforts including litigation to force EPA to promulgate HHC criteria for Washington (ongoing)

Decision Needed:

- Ongoing...
 - What stakeholders should be involved early in the process?
 - What will this effort look like?
 - Technical and policy questions to consider
 - Potential products
 - Roles and responsibilities
 - Schedule
 - Identify stakeholder outreach strategy.

5. Chuit River Basin Site Specific Criteria

Lead: Sharon/Nancy/Wade

Staff: Brock/Renee

Activity:

- PacRim has requested an expanded area of concern for SSC for AI. Supporting documentation was provided to DEC.
- Third Party Review
 - PacRim sent draft SOW for mixed metals third-party review to DEC
 - DEC has drafted and provided PacRim with the specific questions such a review should address to ensure EPA/DEC concerns are met

Challenges:

- Receiving the mixed metals testing analysis in a timely manner so DEC can review and make a determination by 07/14
- Resolving issue with the interpretation of mixed metal results and application towards SSC

Actions to take place in the coming quarter:

- Review new PacRim information on Chuit River inclusion

- Incorporate additional supporting data requested from PacRim/TetraTech and continue to revise decision documents to address EPA comments on mixed metals results
 - Prepare draft Decision Document for DEC internal review
 - POTENTIAL: Send EPA draft Decision Document by 5/30 for informal comment
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6. Sherman and Lower Slate Creek Site Specific Criteria

Lead: Brock/Alan

Staff: ?/Pete

Activity: ON HOLD

- Coeur submitted a Water Effects Ratio (WER) studies for Sherman Creek and Lower Slate Creek. Both WERs were for aluminum and cadmium. WQS and Permit staff have been working together to determine the need for a WER based on monitoring data received from the applicant.

Challenges:

Actions to take place in the coming quarter

- None. Permit antidegradation/backsliding regulations may not allow implementation of SSC in the current permit.

Schedule:

Decision required? None at this time

7. Girdwood/Glacier Creek Site Specific Criteria

Lead: Nancy/Wade

Staff: Denise Elston/Mike Martz

Activity:

- Comments on WER report were sent to AWWU on 3/17

Challenges:

Actions to take place in the coming quarter

- DEC will work with AWWU on addressing proposal issues
- Completion of Downstream Protection analysis by AWWU
- EPA Staff assignment
- Submit draft Decision Document to EPA for informal review (May 15th)

Schedule: TBD

Decision required? None at this time

8. Update to Standard Analytical Methods (SAM) and Downstream Protection

Lead: Earl Crapps/Nancy

Staff: Doug Kolwaite/Brock

Activity:

- DEC has draft regulations completed for:
Standard Methods

Downstream Protection

- Drafted “clarifying language for SSC regulation at 18 AAC 70.230 rather than having it in the Decision Document.
- Language based on EPA workgroup efforts

Challenges:

- Determining whether language is adequate
- Time to review

Actions to take place in the coming quarter

- DEC needs to complete review of package
- Submission to EPA for informal comment

Decision Required

Request EPA WQS staff assignment to review pre-public notice draft regulations

9. 2014-2016 Triennial Review

Lead: Michelle

Staff: Brock

Activity:

- Awaiting final approval to public notice document

Challenges:

- Time/scheduling challenges

Actions to take place in the coming quarter

- Public Notice of TR (April 15?)

Decision Required?

None

10. Other

Ammonia: (Denise) Briefing document started. Additional info on expectations expected as part of EPA TR comments

2012 RWQC: (Brock) Briefing document started. Additional info on expectations expected as part of EPA TR comments